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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,098	05/03/2001	Hugo L. Schippmann	1556	5081

7590 07/31/2002  
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EXAMINER  
GONZALEZ, JULIO C

ART UNIT PAPER NUMBER  
2834

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/806,098

Applicant(s)

SCHIPPMANN, HUGO L.

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 and 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed May 04, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the claim discloses a facility management system. Is the management system compose of the generator, the converter, the power grid? Is there a controller shutting off the system? What is meant by shutting off the system? The generator? The rotor? The power grid? What composes the system? What is meant by regulating the rotor and the power output "downward" by adjustment of the rotor blade angle? Is the power been decreased? Is the speed of the rotor been

decreased? Is the power output been regulated only at low power? What is the shutoff speed? Is it the maximum speed of the rotor?

In claim 2, what is considered the rated power of the system? The power of the generator or the power of the grid? Is the system regulating the power at low wind speeds? What is considered "adequate wind speeds" below a limit speed?

In claim 3, what is meant by regulating the power steadily decreasingly down to the shutoff speed? Is the rated power the maximum power available and then the power is decreased depending on an increasing wind speed? How can the power be decreased and yet, the speed of the wind increases?

In claim 4, the claim discloses regulating the power below a limit speed and above a limit speed. It would seem like if the system regulates the power all the time regardless of any limit at all. What would be the parameters of such limit speed?

Also, what is meant by "regulate it"? Is it the power or the speed? What is linearly decreasingly down? The power of the system or the speed of the rotor? What is the shutoff speed? What determines the shutoff speed?

✓ In claim 5, what is the rated power?

✓ In claims 6-8, the units "m/s" needs to be completely spell out.

In order to advance prosecution in the merits, the Prior Art will be applied as best understood by the examiner.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al in view of Kikuchi.

Lyons discloses a wind energy system having a wind rotor 120, rotor blades 122, and a generator 126 connected to the rotor (see figure 1). Also, part of the system may be shut off depending on the need (column 2, lines 61-67 - column 3, line 1).

However, Lyons does not disclose adjusting the angle of the blades.

On the other hand, Kikuchi discloses for the purpose of preventing the blades of a wind generator to break, a wind rotor (see figure 3), a generator 5 and blades that varied the angle depending on the wind velocity (see abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a wind energy system as disclosed by Lyons et al and to modify the invention by varying the angle of the blades for the purpose of preventing the blades of a wind generator to break as disclosed by Kikuchi.

6. Claims 2-4 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al and Kikuchi as applied to claims 1 and 9 above, and further in view of DiValentin et al.

The combined wind generator discloses all of the elements above. However the combined wind generator does not disclose implicitly regulating the power above and below a limit of wind speed.

On the other hand, DiValentin et al discloses for the purpose of increasing the efficiency of wind generators, a system in which the wind rotor is controlled above and below a wind speed limit (see claim 3 & abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the wind energy system as disclosed above and to modify the invention by controlling the wind rotor above/below wind speed limits for the purpose of increasing the efficiency of wind generators as disclosed by DiValentin et al.

7. Claims 5-8 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al and Kikuchi as applied to claims 1 and 9 above, and further in view of ordinary skill in the art.

The combined wind generator discloses all of the elements above. However the combined wind generator does not disclose the percentage rated power and wind speed.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use such wind speed and rated power, since it has been held that discovering the optimum value of result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

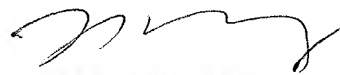
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
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Jcg

July 26, 2002